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our colonial system, and having to deal with this alleged power solely as a supposed necessary deduction from the existence of a written constitution, have finally decided that the power does not exist. The Imperial Tribunal in the case of *K.* v. *The Dyke Board of Niedervieland* (cited in Coxe, Judicial Power and Unconstitutional Legislation, p. 99) held that a "constitutional provision that well acquired rights must not be injured is to be understood only as a rule for the legislative power itself to interpret, and does not signify that a command given by the legislative power should be left disregarded by the judge because it injures well acquired rights."

It is not to be questioned that the judicial check on unconstitutional legislation is beneficial; that it is a more convenient and stricter check than that the people directly exercise But it is, at the same time, to be remembered that the right to exercise this check is not to be deduced from the existence of a written constitution. The grave practical results of the decision of the German courts on this point show clearly that the question is not one of merely academic interest.

TACKING OF ADVERSE POSSESSIONS. — In most jurisdictions privity of estate is regarded as essential to the tacking of adverse possessions. In view of the fact that it is a question primarily of barring the owner's right of entry, and not of bestowing title upon the last adverse possessor, the word privity has often been interpreted rather liberally. For example, in *Davock* v. *Nealon* (32 Atl. Rep. 675), the New Jersey court recently held that where one encloses and occupies more land than is covered by the description in his deed and sells (by the same description) to another, who enters into possession of all the land enclosed, the successive possessions may be tacked to make up the period required by the Statute of Limitations. As to the land not included in the deed, the court held that the clear intention of the parties, coupled with the actual transfer of possession, raised the required privity. The same result was reached in *McNeely* v. *Langan* (22 Ohio St. 32), while the opposite view was taken by the Massachusetts court in *Ward* v. *Bartholomew* (6 Pick. 409). Each case has a considerable following.

Notwithstanding some rather cautious statements in the opinion, it may probably now be taken as settled in New Jersey, that any voluntary transfer of possession will suffice to sanction tacking. This seems the better view. Whether or not one to whom an absolutely void conveyance has been made, and whose possession is consequently adverse to his grantor, can be said to stand in privity of title with the latter, may be only a question of words, and at any rate it is a difficulty for the New Jersey court to deal with. One who looks at the matter purely in the light of principle may well throw overboard the whole doctrine of privity, and conclude, as at least one American court has done, (see *Fanning* v. *Willcox*, 3 Day, 258,) that there is no logical stopping place short of holding that even successive disseisins are no break in the continuity of adverse possession, and that accordingly a disseisor, as well as a grantee, an heir, or a devisee, must be allowed the privilege of tacking For it certainly seems in accord with the reason of the Statute of Limitations to look at the whole matter solely from the point of view of him whose right is to be barred. If he is kept out of posses-

sion continuously for the statutory period, it would appear that on principle no more need be required.

ONE-MAN CORPORATION. — The case of *Broderip* v. *Salomon* (1895, 2 Ch. 323), has attracted considerable attention in England, and some adverse criticism. The facts were as follows. One Salomon, a leather dealer, appreciating the advantages of limited over unlimited liability, organized a corporation composed of himself and family, sold his business to it at an exorbitant price, and took in payment bonds secured by a floating charge on all the corporation assets, present as well as after acquired. Each of the six straw members took one share of stock; the remainder went to Salomon. In this way he virtually reserved his property, and the control and profits of the business, while shifting the liability for future debts to a pauper corporation. Perhaps this might be done if the public was fairly notified of the charge on the capital stock. But there is no registration of mortgages in England to give such a notice. As a consequence, the unsecured creditors would have found themselves out in the cold when it came to liquidation had not the court held Salomon liable to indemnify the company for the debts incurred. Several theories are suggested to support this liability, the one most prominently advanced being that the company was a trustee for the promoter vendor, and as trustee entitled to be reimbursed for liabilities incurred on his behalf. That would seem to be a question of fact, however, as it would be were Salomon held as principal. If the liability rests on fraud, it is difficult to see why Salomon alone was taken and his family left. The real grievance appears to be the lack of any registration of such mortgages, as Mr. Edward Manson, in 11 Law Quart. Rev., 186, 352, points out.

Supposing, however, there were such a registration, what is the policy of general corporation acts? Do they permit one man virtually to limit his liability, if due notification is given to creditors? (11 Law Quart. Rev. 185.) That appears to be a question of economic policy. Under ordinary circumstances justice demands that every debtor, whether a corporation or not, pay all the debts he incurs. Limited liability is an exception, a privilege justified only so far as it gives a proper stimulus to industrial enterprise. It is doubtful if individual enterprise needs such a stimulus.

NEW YORK CODE REVISION. — The troublesome experience of New York with the existing code of civil procedure should have been sufficient warning against ill considered methods of change; but the present course of revision in that State is more likely, one would think, to lead to further confusion, than to any reform of the inconsistencies and ambiguities that now characterize the code. After long agitation the State Bar Association secured the passage of an act which empowered the Governor to appoint a commission of three to examine codes of procedure and practice acts of other States and countries, and prepare a revised New York Code. So far, all well and good! The Governor at this stage appointed the three Commissioners of Statutory Revision to constitute the commission for revising the code. These commissioners — competent men in their department — are not shown to have any peculiar